

REMARKS

The Office Action dated April 7, 2005, has been received and carefully noted. The above amendment to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 1, 12 and 16 are amended to more particularly point out and distinctly claim the subject matter of the invention. No new matter is added, and support for the amendment may be found throughout the specification, for example, on page 3, lines 11-25. Claims 1-16 are pending in the present application, and are respectfully submitted for consideration.

Applicant appreciates the courtesy extended to applicant's representative in the telephone interviews with the Examiner on June 2 and June 22, 2005.

Claims 12, 13 and 15 were rejected under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Patent No. 5,974,309 (Foti). The Office Action took the position that Foti taught all the elements of claims 12, 13 and 15. Applicant respectfully submits that Foti fails to disclose or suggest all the features of any of the presently pending claims.

Claim 12, upon which claims 13 and 15 are dependent, recites a mobile communication system including at least one mobile station and a communications network with which the at least one mobile station is arranged to communicate. The mobile communication system also includes a tracing facility for tracing mobile communications activities relating to at least one of the mobile stations. The tracing facility has a predefined trace activation number for activating tracing of mobile

communications system activities of a trace activation event relating to the at least one mobile station in response to a communication from the at least one mobile station to the predefined trace activation number. The tracing facility includes a receiver of the communication.

As discussed in the specification, examples of the present invention enable monitoring of network performance. A trace activation number of a tracing facility may automatically determine the number to be traced. Thus, trace activation may be less complex. Examples of the present invention enable a person to control the tracing of a mobile station to any location, where the mobile station has a connection to a mobile communication network. Tracing is active during the call and automatically deactivates at the end of the call, or tracing is activated when the mobile terminal sends a message to a predefined number. Thus, a user may be able to keep track of activities in a mobile communications system. Examples of the present invention provide simple trace activation and increase the usability of the tracing facility. Applicant respectfully submits that Foti fails to disclose or suggest all the features of any of the presently pending claims. Thus, Foti fails to provide the critical and unobvious advantages discussed above.

Foti relates to a method and apparatus for facilitating law enforcement agency monitoring of cellular telephone calls. Foti describes that identification of the parties participating in a cellular telephone call is important. Due to signaling protocol specific details, the actual telephone number of a calling party is not included in signaling

information, and only a roaming number is present in the signaling information. This roaming number does not directly reveal the identity of the calling party. According to Foti, tracing refers to finding out the directory number, or identity, of a calling party or that of a called party. The numbers activating tracing are directory numbers of normal subscribers that activate tracing on a temporary basis. Callers and calling parties are unaware of the tracing performed in Foti.

Applicant submits that Foti fails to disclose or suggest all the features of claims 12, 13 and 15. For example, Foti fails to disclose or suggest the tracing facility having a predefined trace activation number for activating tracing of mobile communications system activities of a trace activation event, and the tracing facility including a receiver of the communication. Foti describes tracing being done by law enforcement where the tracing facility does not include a receiver of the communication from a mobile station. Further, Foti fails to disclose or suggest activating tracing of activities of a trace activation event. Foti describes finding out a directory number of a calling or a called party, which does not disclose or suggest a trace activation event.

In contrast, claim 12 recites “the tracing facility has a predefined trace activation number for activating tracing of mobile communications system activities of a trace activation event relating to said at least one mobile station in response to a communication” and “wherein the tracing facility includes a receiver of the communication.” Applicant submits, for the reasons given above, that Foti fails to

disclose or suggest at least these features of claims 12, 13 and 15. Applicant respectfully requests that the anticipation rejection be withdrawn.

Claims 1-11, 14 and 16 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Foti in view of U.S. Patent No. 5,978,669 (Sanmugam). The Office Action took the position that Foti taught all the elements of claims 1-11, 14 and 16 except directing a communication from the mobile station to a predefined tracing class of tracing facility for activation tracing of the mobile station. The Office Action then alleged that Sanmugam provided those elements of the claims missing from Foti. Applicant respectfully submits that Foti and Sanmugam, either alone or in combination, fail to disclose or suggest all the features of any of the presently pending claims.

Claim 1, upon which claims 2-11 and 14 are dependent, recites a method of trace activation in a mobile communications system. A mobile station is in communication with a mobile communications network. The method includes defining a predefined trace activation number. The method also includes directing a communication from the mobile station to the predefined trace activation number of a tracing facility for activating tracing for the mobile station. The tracing facility includes a receiver of the communication. The method also includes activating tracing at the tracing facility for the mobile station from which the communication originates. The method also includes tracing mobile communications system activities of a trace activation event relating to the mobile station from which the communication originates. The method also includes generating a trace report for the mobile station.

Claim 16 recites a system for trace activation. A mobile station is in communication with a mobile communications network. The system includes a tracing facility having a predefined trace activation number and configured to trace mobile communications network activities of a trace activation event relating to a mobile station. The system also includes directing means for directing a communication from a mobile station to the predefined trace activation number of the tracing facility for activating tracing of mobile communications network activities relating to the mobile station. The system also includes activating means for activating tracing at the tracing facility for the mobile station from which the communication originates. The system also includes generating means for generating a trace report for the mobile station. The tracing facility includes a receiver of the communication.

Foti is summarized above. For at least the reasons given above, applicant submits that Foti fails to disclose or suggest all the features of claims 1-11, 14 and 16. In addition to the deficiencies cited in the Office Action, Foti does not disclose or suggest the tracing facility having a receiver of the communication and tracing mobile communications system activities of a trace activation event. Thus, Foti does not disclose or suggest at least these features of the claims.

Sanmugam relates to a method of detecting fraud in a radio communications network by analyzing activity and identification of radio frequency channel data from mobile stations in the network. Sanmugam describes fraud being suspected when a system detects a multiple access from a mobile station, when an activity collision occurs,

when the system receives a premature registration from the mobile station, when auditing or operating-initiated locating of the mobile station reveals the existence of the mobile station into a station simultaneously or when tracing of mobile subscriber activity reveals unusual activity. According to Sanmugam, tracing refers to keeping track of mobile station activities.

Applicant submits that Sanmugam, either alone or in combination with Foti, fails to disclose or suggest those features of the claims missing from Foti. For example, Sanmugam fails to disclose or suggest the tracing facility having a predefined trace activation number for activating tracing of mobile communications system activities of a trace activation event, or the tracing facility including a receiver of the communication. Sanmugam describes the detection of fraud without the called or calling parties being aware of the tracing. Further, the tracing facility of Sanmugam does not include a receiver of a communication from a mobile station. Sanmugam describes tracing, for example, after detecting multiple accesses from a mobile phone, and fails to disclose or suggest tracing mobile communications system activities of a trace activation event.

In contrast, claim 1 recites “wherein the tracing facility includes a receiver of the communication” and “tracing mobile communications system activities of a trace activation event relating to the mobile station from which the communication originates.” Claim 16 recites “a tracing facility having a predefined trace activation number and configured to trace mobile communications network activities of a trace activation event relating to a mobile station” and “wherein the tracing facility includes a receiver of the

communication.” Applicant respectfully submits, for the reasons given above, that Foti and Sanmugam fail to disclose or suggest at least these features of the claims.

With respect to the dependent claims, applicant maintains that these claims are allowable for the reasons given above and also because the dependent claims recite additional patentable subject matter. Thus, applicant respectfully requests that the obviousness rejection be withdrawn.

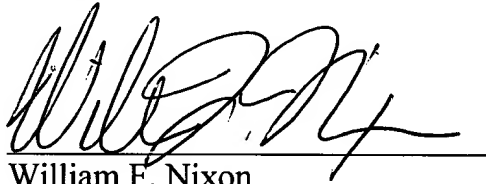
In the telephone interview of June 22, 2005, the Examiner indicated that claim 1, as discussed above, is distinguishable from Foti and Sanmugam. Applicant asserts claims 12 and 16 also are allowable along with claim 1 for at least the same reasons. Thus, applicant submits that the rejections are rendered moot, and respectfully requests that all of the rejections be withdrawn because the Examiner has acknowledged that the features of the claims are distinguishable from Foti and Sanmugam.

In accordance with the referenced telephone interviews, applicant asserts that each of claims 1-16 recites subject matter that is neither disclosed nor suggest by Foti and Sanmugam. Therefore, applicant respectfully requests that claims 1-16 be allowed, and this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'William F. Nixon', written over a horizontal line.

William F. Nixon
Registration No. 44,262

Customer No. 32294
SQUIRE, SANDERS & DEMPSEY LLP
14TH Floor
8000 Towers Crescent Drive
Tysons Corner, Virginia 22182-2700
Telephone: 703-720-7800
Fax: 703-720-7802

WFN:cct/mm